

**REMARKS**

In the Office Action, claims 1-26 were rejected. Also, claims 2, 9-10, 13, and 18 were objected to because of minor informalities. By the present Response, claims 1, 2, 8-10, 13, 16, 18, and 23-26 have been amended. Upon entry of the amendments, claims 1-26 will remain pending in the present patent application. In light of these amendments and the following arguments, reconsideration and allowance of all pending claims are requested.

**Objections to the Drawings**

The Examiner objected to the drawings because they included reference characters not mentioned in the specification. Specifically, the Examiner cited reference characters 86, 90, and 94 in FIG. 4 and reference characters 116, 120, and 122 in FIG. 6.

Reference characters 86 and 90 in FIG. 4 were in fact already included in the specification (see paragraph in Applicants' specification beginning on page 7, line 29, provided as amended above). As for the other cited reference characters, Applicants have amended the relevant paragraphs in the specification to include them; the amended paragraphs are provided above. Accordingly, Applicants respectfully request that the Examiner withdraw these objections.

**Claim Objections**

The Examiner objected to claims 2, 9-10, 13, and 18 because of minor informalities. To correct these informalities, Applicants have adopted the amendments suggested by the Examiner. In claims 2 and 13, the phrase "in a Nyquist" has been replaced with the phrase "is a Nyquist." Moreover, in claims 10 and 18, the phrase "a redundancy" has been replaced with the phrase "the redundancy." Furthermore, in claim 9, the phrase "an image" has been replaced with the phrase "the image." Accordingly, Applicants respectfully request that the Examiner withdraw these objections.

### **Rejections Under 35 U.S.C. § 101**

The Examiner rejected claims 25-26 under 35 U.S.C. § 101 based on the assertion that these claims were directed to non-statutory subject matter. To address this issue, Applicants have adopted the amendment suggested by the Examiner. In claims 25-26, the phrase “a computer program” has been replaced with “a computer readable medium storing a computer program.” Accordingly, Applicants respectfully request that the Examiner withdraw this rejection.

### **Rejections Under 35 U.S.C. § 103**

The Examiner rejected independent claims 1, 8, 16, and 23-26 under 35 U.S.C. § 103 as being unpatentable over Okada et al. (U.S. Publication No. 2004/0032990, hereinafter “Okada”) in view of Avinash (U.S. Patent No. 5,943,433, hereinafter “Avinash”). Applicants respectfully traverse the rejection.

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). To establish a *prima facie* case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985).

The rejection of independent claims 1, 8, 16, and 23-26 and their corresponding dependent claims is unsustainable because the combination cited by the Examiner would not include all of the features of these claims.

Independent claims 1, 8, 16, and 23-26, as currently amended, recite in generally similar language the step of accessing stored image data from a memory. In addition, these independent claims recite the steps of “determining a pixel sampling rate for the

image data,” and “comparing the pixel sampling rate” to a “desired sampling rate.” Okada *does not compare a pixel sampling rate acquired from stored image data to a desired sampling rate*. Rather, the Okada arrangement involves using a predetermined sampling interval to select pixels captured at a high frame rate with the aim of performing calculations “to . . . improve the light-receiving sensitivity of the pixels and to improve SN ratios compared to those of conventional devices.” *See* Okada, paragraph 38.

Moreover, independent claims 1, 23, and 25, as currently amended, recite the step of “determining a shrink parameter based upon the comparison” of a pixel sampling rate and a desired sampling rate. Avinash *does not determine a shrink parameter based upon the comparison of a pixel sampling rate to a desired sampling rate*. Rather, a shrink parameter in the Avinash arrangement is determined based upon the factor by which the edge dimensions of pixel array of an acquired image function are to be reduced in order to produce the pixel dimensions of a corresponding shrunk function. *See* Avinash, col. 5, lines 21-28. Thus, the combination cited by the Examiner would not include all of the features of claims 1, 23, and 25.

Furthermore, independent claims 8, 16, 24, and 26, as currently amended, recite the step of “comparing the pixel sampling rate to the desired sampling rate to determine a redundancy metric.” Avinash *does not determine a redundancy metric by comparing a pixel sampling rate to a desired sampling rate*. In fact, Avinash does not even determine a redundancy metric. Rather, Avinash determines intensity values for pixels of a shrunk function array based upon the average intensity value of corresponding pixels from the acquired image function array. *See* Avinash, col. 3, 40-43. Moreover, Avinash does not compare sampling rates to determine these intensity values. Thus, the combination cited by the Examiner, here again, would not include all of the features of claims 8, 16, 24, and 26.

In short, the combination cited by the Examiner could not read on all of the features of independent claims 1, 8, 16, and 23-26. Accordingly, Applicants respectfully request

that the rejection of independent claims 1, 8, 16, and 23-26 and dependent claims 2-7, 9-15, and 17-22 under § 103(a) be withdrawn.

The Examiner cited additional prior art in rejecting dependent claims 2, 4, 11-13, 15, and 19-22. However, this additional prior art does not appear to resolve the failure of Okada and Avinash to teach all of the features of the independent claims. Thus, Applicants respectfully submit that these dependent claims are patentable at least by virtue of their dependency from the allowable base claims.

**Conclusion**

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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